

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	§	
	§	Public Notice (rel. Dec. 22, 2016)
Petition for Waiver of Section 52.15(g)(2) by	§	PS Docket No. 10-255
Onvoy Spectrum, L.L.C.	§	CC Docket No. 99-200
	§	WT Docket No. 13-97
	§	WT Docket No. 07-243
	§	WT Docket No. 04-36
	§	

INITIAL COMMENTS OF TEXAS 9-1-1 ENTITIES

The Texas 9-1-1 Alliance,¹ the Texas Commission on State Emergency Communications,² and the Municipal Emergency Communication Districts Association³ (collectively, the “Texas 9-1-1 Entities”) respectfully submit the following initial comments in the Federal Communication Commission’s (the “Commission’s”) above-referenced proceedings. The Commission seeks comments from interested parties on the petition by Onvoy Spectrum, L.L.C. (“Onvoy”) seeking a waiver of section 52.15(g)(2) of the Commission’s rules⁴ to directly

¹ The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 25 Texas emergency communication districts with E9-1-1 service and related public safety responsibility for more than approximately 63% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code Section 771.001(3)(B).

² The Texas Commission on State Emergency Communications (“CSEC”) is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and by statute is the state program authority on emergency communications. CSEC oversees and administers the Texas state 9-1-1 program under which 9-1-1 service is provided in 81% of Texas’ 254 counties, covering approximately 27% of the state’s population.

³ The Municipal Emergency Communication Districts Association (“MECDA”) is an association of 26 municipal emergency communication districts, as defined under Texas Health and Safety Code § 771.001(3)(A), that are located primarily in the Dallas-Fort Worth area.

⁴ See 47 C.F.R. § 52.15(g)(2).

obtain pseudo-Automatic Number Identifications (“p-ANIs”) for use in its 9-1-1 solution for data-only devices using over-the-top Voice over Internet Protocol⁵ (hereinafter only for purposes of these initial comments, “Wireless VoIP”).⁶

I. Summary of Initial Comments

Because p-ANIs are assigned for use in a legacy selective routing system for which the Eligible User has approval from the 9-1-1 governing authority to route E9-1-1 traffic for termination to a Public Safety Answering Point (PSAP), the relevant inquiry for being able to access 511 ESRK p-ANIs, 211 ESQK p-ANIs, and/or any new p-ANI range is three-fold: (i) whether Onvoy as a p-ANI Applicant is an “Eligible User;” (ii) whether Onvoy has provided self-certification of approval by the applicable 9-1-1 Authority in accordance with ATIS-0300089; and (iii) whether Onvoy commits to working cooperatively to deliver all 9-1-1 calls with the appropriate Class(es) of Service or appropriate p-ANI type as may be directed by the applicable 9-1-1 Authority (subject to normal new p-ANI deployment testing and other reasonable modifications considered appropriate by the applicable 9-1-1 Authority).

Accordingly, if Onvoy provides self-certification of approval by the applicable 9-1-1 Authority in accordance with ATIS-0300089, and verifies that it commits to work cooperatively

⁵ *Wireline Competition Bureau Seeks Comment on Onvoy Spectrum, L.L.C. Petition for Waiver of Section 52.15(g)(2) of the Commission’s Rules Regarding Access to Numbering Resources*, WC Docket Nos. 13-97, 07-243, 04-36, CC Docket No. 99-200, and PS Docket No. 10-255 (rel. Dec. 22, 2016) (“Notice”) (available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1222/DA-16-1442A1.pdf).

⁶ It is the Texas 9-1-1 Entities’ technical understanding that Onvoy’s petition involves obtaining access to 511 ESRK p-ANIs in order to potentially serve mobile broadband capable devices, and does *not* involve access to 211 ESQK p-ANIs in order to potentially deliver “registered location” for Interconnected VoIP, which would be more appropriately covered as within the definition of “Interconnected VoIP.” See 47 C.F.R. § 9.3 (An interconnected Voice over Internet protocol (VoIP) service is a service that: (1) enables real-time, two-way voice communications; (2) requires a broadband connection from the user’s location; (3) requires Internet protocol-compatible customer premises equipment (CPE); and (4) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.).

to deliver all 9-1-1 calls with the appropriate Class(es) of Service and appropriate p-ANI type as may be directed by the applicable 9-1-1 Authority, then Onvoy (or any other entity deemed an Eligible User) should be able to immediately obtain from the p-ANI Administrator access to 511 ESRK p-ANIs, 211 ESQK p-ANIs, and/or some new p-ANI range. This should be the case whether the intended result is accomplished by a simple clarification letter from the Commission to the current p-ANI Administrator, waiver of a Commission regulation (as Onvoy is requesting), or a specific Commission regulation amendment or Commission interpretation, making clear that VoIP Positioning Centers (“VPCs”) and Mobile Positioning Centers (“MPCs”), particularly those providing wireless broadband services, are essentially synonymous for purposes of 47 C.F.R. § 52.15, generally, and subsection (g), specifically. Moreover, the Commission has a long and continued history of encouraging 9-1-1 Authorities and service providers to work together cooperatively, and that should also apply to access to p-ANIs.

II. Initial Comments

In a legacy 9-1-1 environment, routing of emergency calls requires a p-ANI for technical reasons if an End User is using a non-fixed location service, or has a telephone number which is foreign to their service address,⁷ and p-ANIs are assigned for use in a legacy selective routing system for which the Eligible User has approval from the 9-1-1 governing authority to route E9-1-1 traffic for termination to a PSAP.⁸ Originally, p-ANIs were handled regionally in cooperation between the 9-1-1 service providers and the applicable 9-1-1 Authority. After the FCC’s November 28, 2005, Interconnected VoIP deployment deadline, however, the North American Numbering Council (“NANC”) recommended that there be a permanent p-ANI

⁷ NANC Recommendations for Permanent p-ANI Administration at p. 3 (Nov. 30, 2006) (*available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-278039A1.pdf).

⁸ ATIS-0300089 (*available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-273352A1.pdf).

Administrator, while also recommending that all p-ANIs (including those for new services) would be shared on a technology neutral basis.⁹

Traditionally, 511 ESRK p-ANIs have generally been used for legacy wireless, and 211 ESQK p-ANIs have generally been used for legacy Interconnected VoIP. For 9-1-1 operational purposes, 511 ESRK p-ANIs have generally been specific to each legacy facilities-based Commercial Mobile Radio Service (“CMRS”) carrier, and 211 ESQK p-ANIs have been shared by many VoIP providers. However, 9-1-1 Authority and service provider deployments do not necessarily always follow these “general” rules, which may be desirable in certain cases or undesirable in other cases from a 9-1-1 operational perspective. For example, within the State of Texas (and perhaps also within the State of California as well as in some other states), using 211 ESQK p-ANIs instead of 511 ESRK p-ANIs for Wireless Home Phones with a civic address (as opposed to only x, y coordinates) may have 9-1-1 operational benefits that should not be potentially lessened by unnecessarily cumbersome p-ANI administration separate from the ATIS-0300089 self-certification of 9-1-1 Authority approval. As the Commission itself has recently recognized, from a 9-1-1 perspective, new services such as Wi-Fi Calling and/or App Calling may not necessarily always fit exactly into either the CMRS wireless model or Interconnected VoIP model, or it may, at a minimum, be currently subject to differing interpretations and views of Commission orders and regulations, as well as have potential technical differences:

49. Location Accuracy. The Commission has recognized that the ability of a PSAP to receive accurate location information for callers is of the “utmost importance.” Commenters raise two concerns about the use of RTT to achieve

⁹ NANC Recommendations for Permanent p-ANI Administration (Nov. 30, 2006) at p. 6 (“Should p-ANI NXX codes be shared or separated based upon the technology (wireless, wireline, VoIP, or new technology) used by the Service Provider? All p-ANI NXX codes will be shared among Eligible Users on a technology neutral basis.”).

location accuracy. First, one commenter asks whether and how service providers should deliver accurate location information for RTT 911 calls originating on Wi-Fi facilities. Second, commenters are split on the feasibility of having downloadable RTT applications retrieve location information and populate an ALI record, with some parties claiming this is not possible, and others reporting the feasibility of having an RTT app capture location information.

50. Under the Commission's rules, wireless CMRS providers supporting TTY calling to 911 must ensure that location information is provided in accordance with the applicable requirements of section 20.18, and there is no basis in the record to treat RTT calls differently. Given the importance of this feature and that support for RTT replaces our existing requirements for TTY support, we conclude that RTT 911 calls should be subject to the same location information requirements as TTY 911 calls, and we amend our rules accordingly. However, given concerns raised about the feasibility of achieving compliance with this requirement via RTT provided through a downloadable application, we will entertain requests for waivers from this requirement that allege that this is not technically feasible. Such requests will be more favorably viewed if they are supported with evidence documenting such lack of technical feasibility rather than mere assertions of infeasibility. (Footnotes in original omitted)¹⁰

If Wi-Fi Calling and/or App Calling were always clearly either legacy CMRS wireless or legacy Interconnected VoIP, there would be nothing for the Commission to consider further as far as location accuracy waivers and there never should be a reason for differing deployments by some service providers. Moreover, in the recent order on real-time text ("RTT") order, the Commission stated:

44. ... To ease any associated implementation burdens, we do not prescribe how 911 calls via RTT should reach a PSAP, but rather encourage wireless service providers and 911 authorities to consult with one another to resolve outstanding technical issues without undue delay. For instance, if a PSAP is capable of receiving RTT communications through an enhanced TCC, the approach that we adopt provides a service provider the flexibility to comply with our RTT requirement through such a manner as specified by the PSAP. (Footnotes in original omitted)¹¹

¹⁰ See *Transition from TTY to Real-Time Text Technology et al.*, CG Docket No. 16-145, GN Docket No. 15-178, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-169 (rel. Dec. 16, 2016) ("TTY-to-RTT Order").

¹¹ *Id.*

Cooperation between 9-1-1 Authorities and service providers should be encouraged to the utmost extent reasonable, and that cooperation should not be unnecessarily complicated by p-ANI administration. Rather, p-ANI administration should support cooperation between 9-1-1 Authorities and service providers to the fullest extent reasonable – irrespective of whether it involves 511 ESRK p-ANIs, 211 ESQK p-ANIs, and/or some new p-ANI range.¹² It appears that Onvoy’s and/or the p-ANI Administrator’s complication is that Onvoy’s efforts to deploy a 9-1-1 solution to serve “Wireless VoIP” may not fit exactly into either legacy model, for perhaps some of the same reasons that Wi-Fi Calling and App Calling may not fit exactly into either legacy model.¹³

As Onvoy noted in its petition, the Texas 9-1-1 Entities are awaiting Onvoy to begin wireless 511 ESRK p-ANI testing in Texas.¹⁴ Therefore, any opinions on the final recommended specifications for actual deployment within Texas are subject to normal new p-ANI deployment

¹² The Commission currently has a separate notice out for comment regarding Apps and 9-1-1. *See*, Public Safety and Homeland Security Bureau seeks Comment on request of the National Association of State 9-1-1 Administrators to address issues related to 9-1-1 Applications for Smartphones (rel. Dec. 19, 2016) (*available at* <https://www.fcc.gov/document/pshsb-seeks-comment-nasna-request-address-911-app-issues>). Perhaps any issue regarding a new separate p-ANI range for Apps could be considered in the context of that notice as it is a more generic issue than the Onvoy specific waiver petition.

¹³ While some 9-1-1 Authorities may prefer that 511 ESRK p-ANIs be used for only legacy CMRS services and that the 211 ESQK p-ANIs be used for everything else; others may prefer that anything mobile use 511 ESRK p-ANIs and that anything nomadic use 211 ESQK p-ANIs; others may prefer that there be a new separate p-ANI range for App Calling and/or Wi-Fi Calling; others may simply have no operational preference between whichever p-ANI range might be used; or may have preferences depending on whether civic address or x, y coordinates are being delivered to the PSAP as the appropriate primary location information. While use of the appropriate Class of Service may potentially mitigate whether use 511 ESRK p-ANIs, 211 ESQK p-ANIs, or a new separate p-ANI range for App Calling and/or Wi-Fi Calling, such potential mitigation may not work exactly the same *nationwide* for all 9-1-1 purposes -- thus providing an additional reason to give appropriate deference to the applicable 9-1-1 Authorities and Onvoy if it is shown that they are working together cooperatively on 9-1-1 operational issues that involve the use of p-ANIs.

¹⁴ *See* Onvoy Petition at p. 7 (“And, as detailed in the attached declaration, Onvoy Spectrum is in the process of implementing additional testing in Minnesota, Texas, and other States”) *and* at p. 4 (“We also plan to begin testing in Bexar County, Texas in the first quarter of 2017.”).

testing and additional other modifications as may be considered appropriate by the applicable 9-1-1 Authority (which would be the case for any new p-ANI deployment). However, it is our understanding from discussions with Onvoy that it is fully committed to providing self-certification of 9-1-1 Authority approval in accordance with ATIS-0300089, and fully committed to working cooperatively with the applicable 9-1-1 Authority to deliver all 9-1-1 calls with the appropriate Class(es) of Service and use the appropriate p-ANI type as may be as directed by the applicable 9-1-1 Authority. Accordingly, if Onvoy provides self-certification of approval by the applicable 9-1-1 Authority in accordance with ATIS-0300089 and verifies that they are also committed to working cooperatively with the 9-1-1 Authority, then Onvoy or any other entity deemed an Eligible User should be able to immediately obtain from the p-ANI Administrator access to 511 ESRK p-ANIs, 211 ESQK p-ANIs, and/or some new p-ANI range. This should be the case whether such is accomplished by a simple clarification letter from the Commission to the current p-ANI Administrator, waiver of a Commission regulation, as Onvoy is requesting, or interpretation, or a specific Commission regulation amendment making clear that VPCs and MPCs, particularly those providing wireless broadband services, are essentially synonymous for purposes of 47 C.F.R. § 52.15, generally, and subsection (g), specifically.

III. Conclusion

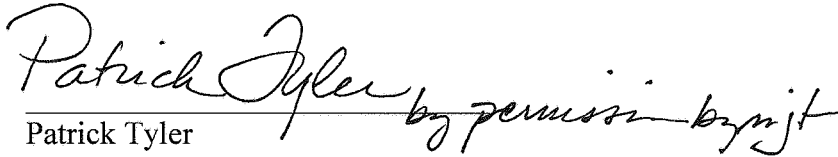
The Texas 9-1-1 Entities appreciate the opportunity to provide these initial comments on these matters, and respectfully request that the Commission take action on these matters consistent with these initial comments.

Respectfully submitted,



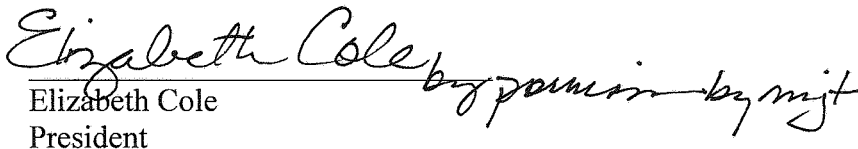
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